

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Con.Case(C).No. 1168 of 2014 (S)

(AGAINST THE JUDGMENT IN WP(C) NO. 536/2014 DATED 13-01-2014)

PETITIONER :

**MOHAMMED BASHEER C., AGED 55 YEARS,
S/O.KUNJAHAMMAD, 6/153, CHIRAMBADATH HOUSE,
BHEEMANADU, MANNARKKAD.**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S):

- 1. K.BIJU,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
THE CHAIRMAN, THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505.**
- 2. S. SASIKUMAR,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
THE MEMBER, THE REGIONAL TRANSPORT AUTHORITY
MALAPPURAM-676 505.**
- 3. V. SURESHKUMAR,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
THE MEMBER, THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505.**

R1 TO R3 BY GOVERNMENT PLEADER SRI. R.RANJITH

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

COC.NO.1168/2014

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX 1 COPY OF THE JUDGMENT IN WP(C).NO.536 OF 2014 (N) DATED
13/01/2014 OF THIS HON'BLE COURT.**

RESPONDENT'S ANNEXURES:

ANNEX R3(A) COPY OF THE RECEIPT ISSUED BY M/S PROFESSIONAL COURIERS

ANNEX R3(B) COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE PETITIONER.

/TRUE COPY/

P.A.TO.JUDGE

sts

K.VINOD CHANDRAN, J.

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Cont.Case No.1168 of 2014

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Dated this the 19th day of January, 2015

JUDGMENT

The petitioner is aggrieved with the non-compliance of judgment at Annexure - 1. By Annexure - 1, the petitioner's application for variation of condition of permit in the route Edapatta - Mannarkkad - Manjeri was directed to be considered. As per the affidavit filed by the 3rd respondent, in the contempt application, the same has been arrived at in Annexure R3(b). The learned counsel for the petitioner however would contend that neither was the judgment referred to in Annexure R3(b) nor is the petitioner's name shown. That alone would not give rise to a cause of action for initiating a contempt proceeding.

2. In any event the confusion is with respect to the permit, said to have been existing in the name of one T.Mohammed Ismail, who had filed application for variation,

which the petitioner on obtaining transfer contends to have prosecuted on the strength of the transfer obtained. These were not matters which were disclosed in the writ petition also. If it were disclosed that the prior owner had filed application for variation and that the petitioner intends to prosecute it, on the strength of a transfer effected, then, definitely, the same would have been adverted to in the judgment. If transfer of permit has been effected, then, it is for the petitioner to move appropriate application to make changes in Annexure R3(b). However, no contempt as such is discernible since the directions in Annexure 1 judgment has been scrupulously complied with and the order issued to the alleged permit holder as also the petitioner herein, since the petitioner had obtained Annexure - 1 judgment.

The contempt case is closed.

Sd/-

K.VINOD CHANDRAN, JUDGE

vdv //True Copy// P.A to Judge